

The Honorable Robert J Bryan

Cristina Azpilicueta
PO Box 1358
Yelm, WA 98597
Tel. # (360) 894-6169
Fax # (360) 894-1909
E-mail: trillium1111@gmail.com

**UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

Cristina Azpilicueta,

Plaintiff,

vs.

No. 3:11-CV-05399-RJB

Regional Trustee Services Corporation;
OneWest, FSB in both its capacity as
IndyMac Mortgage Services a Division of
OneWest and its capacity as OneWest Bank,
FSB; Mortgage Electronic Registration
Systems Inc.;

Defendants.

**NOTICE OF LIS PENDENS
IN FEDERAL COURT**

Pursuant to RCW 4.28.325 the Plaintiff Cristina Azpilicueta, Pro-Se, file and record this Notice of Lis Pendens in Federal Court with reference to the above-named lawsuit filed in the United States District Court, Western District of Washington in Tacoma under the above stated case number.

The Plaintiff named above is the owner of the real property commonly known as 19119 Sorenson Rd SE Yelm, WA 98597,

1 the legal description of which is:

2 Parcel A: That Part Of Government Lots 4,5,7, And 8 In Section 6, Township 15
3 North, Range 3 East, W.M. Lying Westerly Of County Roads Known As Bald Hills
4 Road And Sorenson Road And Northerly Of A Tract Conveyed To Weyerhaeuser
5 Timber Company By Instrument Recorded March 20, 1946 Under Recording No.
6 404177 Delineated As Tract 15 Of Survey Recorded December 12,1979 Under
7 Recording No. 1099338 In Volume 12 Of Surveys At Page 86., Records Of Thurston
8 County Auditor; Parcel B: A Non-Exclusive Easement For Ingress And Egress As
9 Delineated On Survey Recorded December 1979 Under Recording No. 1099338 In
10 Volume 12 Of Surveys At Page 86. Situate In The County Of Thurston, State Of
11 Washington

12 Tax Parcel Number(s) 23506330200.

13 Plaintiff acquired fee title to the real property commonly known as 19119 Sorenson Rd
14 SE Yelm, WA 98597 pursuant to that certain Bargain and Sale Deed dated May 18th, 2001
15 and recorded in the Thurston County Records Record # 3354061, a deed of trust dated June
16 1st, 2007, signed by Plaintiff and Donald E Marshall that encumbers the real property
17 described above and was recorded under Thurston County Auditor's Recording No. 3933304.
18 The deed of trust secured the payment of a promissory note of the same date signed by
19 Plaintiff only in the original principal amount of \$212,000.00.

20 The Plaintiff has filed a lawsuit against the defendants named above, asserting claims
21 of Violation of Washington Deed of Trust Act RCW 61.24 *et seq*; Violation of RESPA 12
22 U.S.C. §2607 *et. seq.*; Violation of FDCPA 15 U.S.C. §1692 *et. seq.*; Violations of Washington
Consumer Protection Act (CPA) RCW 19.86 *et. seq*; Lack of Standing; and Temporary
Restraining Order, Preliminary Injunction. The defendants have not appeared in this lawsuit as
of yet., .

21 This lawsuit was triggered by the violation by the named defendants of certain
22 provisions of the Washington Deed of Trust Act, including but not limited to violation of

1 RCW 61.24.010(2) and the apparent violation of RCW 61.24.030(7); followed by the
2 apparent subsequent pursuit of a non-judicial foreclosure pursuant to RCW 61.24.040 and in
3 violation of RCW 61.24.090 even after each and all of the named defendants knew or should
4 have know of the violations of some of the necessary prerequisites of a non-judicial
5 foreclosure.

6 Regional Trustee Services Corporation issued and recorded a Notice of Trustee Sale
7 recorded under Thurston County Auditor's Recording No. 4200314, claiming the right to
8 foreclose the above described deed of trust. That Notice of Trustee Sale was recorded
9 pursuant to RCW 61.24.040 in direct violation of RCW 61.24.010 (2).

10 The Recorded Appointment of Successor Trustee naming Regional Trustee Services
11 Corporation as trustee for the deed of trust was Dated February 4th, 2011 and recorded under
12 Thurston County Auditor's Recording No. 4198612, was executed by OneWest, FSB.
13 OneWest, FSB was allegedly assigned its interest in the Deed of Trust via the Assignment of
14 Deed of Trust Dated February 11th, 2011 and recorded under Thurston County Auditor's
15 recording No. 4198611. This Assignment was executed by an employee of OneWest, FSB,
16 itself. Therefore, according to the documentation referenced above the Appointment of
17 Regional Trustee Services Corporation was executed by OneWest **PRIOR** to it even having
any alleged authority to do so.

18 In addition, Plaintiff has challenged in its complaint OneWest's claim that it is the
19 owner of the note and beneficiary of the deed of trust. Plaintiff has provided evidence to
20 support its claims that OneWest does not have the right to foreclose nor the authority to
21 appoint a successor trustee. Plaintiff has reason to believe that none of the current claimants
22 have a valid claim as beneficiary or the right to foreclose.

If the Plaintiff proves its claims then anyone purchasing at the pending non-judicial trustee's sale may receive what may be a void or voidable title to the above described property.

Any person(s) considering purchase of the above described real property at the pending non-judicial trustee's sale may obtain a copy of the complaint from the Court file in the United States District Court, Western District of Washington in Tacoma under the above stated case number at the Court Clerk's Office or by contacting the Plaintiff.

Date: May 31st, 2011.

Cherish & love to

Cristina Azpilicueta
PO BOX 1358
Yelm, WA 98597
Tel. # (360) 894-6169
Fax # (360)894-1909
E-mail: trillium1111@gmail.com